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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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18 ORACLE USA, INC., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
19 corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

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Plaintiffs,

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v.

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RIMINI STREET, INC., a Nevada corporation;  
SETH RAVIN, an individual,

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Defendants.

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BINGHAM MCCUTCHEN LLP  
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Case No 2:10-cv-0106-LRH-PAL

**PLAINTIFFS ORACLE USA, INC.,  
ORACLE AMERICA, INC., AND  
ORACLE INTERNATIONAL  
CORPORATION'S MOTION TO  
SEAL MOTION FOR  
PRESERVATION ORDER AND  
DECLARATION OF KIERAN  
RINGGENBERG IN SUPPORT OF  
MOTION FOR PRESERVATION  
ORDER**

## **PLAINTIFFS' MOTION TO SEAL**

2 Pursuant to the Stipulated Protective Order governing confidentiality of documents  
3 entered by the Court on May 21, 2010 [Docket No. 55] (“Protective Order”) and Rules 5.2 and  
4 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc.  
5 and Oracle International Corporation (together “Oracle” or “Plaintiffs”) respectfully request that  
6 the Court order the Clerk of the Court to file under seal the Motion for Preservation Order  
7 (“Motion”), the Declaration of Kieran P. Ringgenberg (“Declaration”), and Exhibits B, G, T, U,  
8 and V-DD (“Exhibits”) thereto. Unredacted versions of Motion, Declaration and Exhibits were  
9 lodged under seal with the Court on August 24, 2010 [Docket #80, 84]. Redacted versions of the  
10 Motion, Declaration and Exhibits were also publicly filed on the Court’s ECF website on August  
11 24, 2010 [Docket #82, 83.]

12 For sealing requests relating to non-dispositive motions, such as Plaintiffs' Motion for a  
13 Preservation Order sanctions, the presumption of public access to court filings may be overcome  
14 by a showing of good cause under Rule 26(c). *See Pintos v. Pacific Creditors Ass'n*, 605 F.3d  
15 665, 678 (9th Cir. 2010); *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The  
16 Court has "broad latitude" under Rule 26(c) "to prevent disclosure of materials for many types of  
17 information, including, but not limited to, trade secrets or other confidential research,  
18 development, or commercial information." *Phillips v. General Motors Corp.*, 307 F.3d 1206,  
19 1211 (9th Cir. 2002) (citations omitted).

**20** Specifically, Oracle requests that the following documents and references be sealed:

21 (1) Transcript of the Deposition of Joseph Dones taken on August 12, 2010 regarding  
22 Rimini's information technology infrastructure and designated as Highly Confidential under the  
23 Protective Order (**Exhibit B**);

24 (2) Documents produced by Rimini regarding its technology infrastructure and  
25 policies and designated Confidential and Highly Confidential [RSI00050053-7 (**Exhibit G**) and  
26 RSIH0020000118 (**Exhibit T**)]:

27 (3) Attachment D to Rimini's Responses to First Set of Interrogatories identifying  
28 Rimini employees formerly employed by TomorrowNow, and designated as Confidential under

1 the Protective Order (**Exhibit U**);

2 (4) Instant messages produced by SAP AG, SAP America, Inc. and TomorrowNow,  
3 Inc. and designated as Confidential under the Protective Order (**Exhibits V-DD**);

4 (5) The unredacted version of the Motion lodged with the Court that contains  
5 quotations from items (1) through (4) above.

6 Sealing the Motion, Declaration and Exhibits is requested because the documents  
7 contains information designated by Defendants Rimini Street, Inc. (“Rimini”) and Seth Ravin  
8 (“Ravin”) and third parties, SAP AG, SAP America, Inc. and TomorrowNow, Inc. as  
9 “Confidential” or “Highly Confidential — Attorneys Eyes’ Only” under the terms of the  
10 Protective Order. The requested relief is necessary and narrowly tailored to protect the  
11 confidentiality of the commercially sensitive business information identified by the designating  
12 parties. The Protective Order provides that: “Counsel for any Designating Party may designate  
13 any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information -  
14 Attorneys’ Eyes Only’ under the terms of this Protective Order **only if such counsel in good**  
15 **faith believes that such Discovery Material contains such information and is subject to**  
16 **protection under Federal Rule of Civil Procedure 26(c)**. The designation by any Designating  
17 Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential  
18 Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the  
19 Designating Party reasonably believes there is a valid basis for such designation.” Protective  
20 Order ¶ 2 (emphasis added).

21 Thus, in identifying the Exhibits as “Confidential” or “Highly Confidential – Attorneys  
22 Eyes Only,” the designating parties have represented that good cause exists for sealing the  
23 Exhibits, and Motion and Declaration referencing the Exhibits. This is a sufficient showing of  
24 good cause to permit a sealing order on a non-dispositive motion. *See, e.g., Pacific Gas and*  
25 *Elec. Co. v. Lynch*, 216 F. Supp. 2d 1016, 1027 (N.D. Cal. 2002).

26 Oracle has prepared redacted versions of these filings for the Court’s public files, which  
27 would allow public access to the filings except for those portions containing information  
28 designated as Confidential or “Highly Confidential – Attorneys Eyes Only” by other parties

1 under the Protective Order. Accordingly, the request to seal is narrowly tailored.

2 For the foregoing reasons, Oracle respectfully requests that the Court find that good cause  
3 exists to file under seal, the Motion, Declaration and Exhibits.

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5 DATED: August 24, 2010

BOIES SCHILLER & FLEXNER LLP

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By: /s/ Kieran P. Ringgenberg

8 Kieran P. Ringgenberg  
9 Attorneys for Plaintiffs  
10 Oracle USA, Inc., Oracle America, Inc.,  
and Oracle International Corp.

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UNITED STATES DISTRICT COURT

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18 ORACLE USA, INC., a Colorado corporation;  
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Case No 2:10-cv-0106-LRH-PAL

**ORDER GRANTING  
PLAINTIFFS ORACLE USA, INC.,  
ORACLE AMERICA, INC., AND  
ORACLE INTERNATIONAL  
CORPORATION'S MOTION TO  
SEAL MOTION FOR  
PRESERVATION ORDER AND  
DECLARATION OF KIERAN  
RINGGENBERG IN SUPPORT OF  
MOTION FOR PRESERVATION  
ORDER**

## [PROPOSED] ORDER

Pending before this Court is Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation (together “Oracle” or “Plaintiffs”) Motion to Seal Administrative Motion to Permit Plaintiffs to File the Motion for Preservation Order [Docket -#80] (“Motion”), the Declaration of Kieran P. Ringgenberg (“Declaration”), and Exhibits B, G, T, U, and V-DD (“Exhibits”) thereto [Docket # 84]. Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, inter alia, the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c). Having considered Plaintiffs’ Motion to Seal, compelling reasons having been shown and good cause existing:

IT IS HEREBY ORDERED THAT: Plaintiffs' Motion to Seal is GRANTED.

12 The Clerk of the Court shall file under seal the unredacted versions of the Motion and  
13 Declarations and Exhibits.

## 14 IT IS SO ORDERED.

**15** DATED: August 30, 2010

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By: Peggy A. Leen  
Hon. Peggy A. Leen  
United States Magistrate Judge